

**BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COLUMBIA, SOUTH CAROLINA**

HEARING #19-11755

FEBRUARY 6, 2019

2:30 P.M.

2017-370-E:

SOUTH CAROLINA ELECTRIC & GAS COMPANY AND DOMINION ENERGY, INCORPORATED — Joint Application and Petition for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

Requested Allowable Ex Parte Briefing (Mr. Jerry Harvell) Regarding: Merger

**ALLOWABLE EX PARTE
BRIEFING**

COMMISSION MEMBERS PRESENT: Comer H. 'Randy' RANDALL, *Chairman*; and COMMISSIONERS John E. 'Butch' HOWARD, Thomas J. 'Tom' ERVIN, Swain E. WHITFIELD, and Justin T. WILLIAMS

ADVISOR TO COMMISSION: Joseph Melchers, Esq.
GENERAL COUNSEL

STAFF: Josh Minges, Esq., Legal Advisory Staff; Jerisha Dukes, Esq., Commissioners' Staff; Douglas K. Pratt, William O. Richardson, Norman Scarborough, John Powers, Amanda Golebiowski, Technical Advisory Staff; Randy Erskine, Information Technology Staff; Patricia Stephens, Project Management Staff; Afton Ellison, and Rob Bockman, Clerk's Staff; Jo Elizabeth M. Wheat, CVR-CM/M-GNSC, Court Reporter

APPEARANCES:

JERRY HARVELL, appearing on his own behalf

ANDREW M. BATEMAN, ESQUIRE, designee of the Executive Director of THE SOUTH CAROLINA OFFICE OF REGULATORY STAFF

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P R O C E E D I N G S

CHAIRMAN RANDALL: Okay. We're going to call this allowable ex parte.

Mr. Harvell, welcome today. We look forward to hearing from you.

First, I need to ask Mr. Melchers to read the docket, and then we'll go to Mr. Bateman, with ORS, to give us the rules, and then we'll move ahead.

MR. MELCHERS: Thank you, Mr. Chairman, and Commissioners. We are here pursuant to a Notice of Request for Allowable Ex Parte Briefing, which was requested by Mr. Jerry Harvell. We're here pursuant to that request, February 6th, at 2:30, here in the Commission hearing room. And the subject matter to be discussed at the briefing is: Merger.

Thank you, Mr. Chairman.

CHAIRMAN RANDALL: Thank you, Mr. Melchers.
Mr. Bateman.

MR. BATEMAN: Good afternoon, Mr. Chairman and members of the Commission. My name is Andrew Bateman and I'm an attorney for the Office of Regulatory Staff. I have been selected as the designee to certify that today's allowable ex parte briefing takes place in accordance with South

1 Carolina Code 58-3-260(C).

2 Is there some feedback, or is this okay?

3 **CHAIRMAN RANDALL:** I think she's got it turned
4 down. She just adjusted it.

5 **MR. BATEMAN:** Okay. That statute sets forth
6 certain parameters and rules under which this
7 briefing must take place. And if you will indulge
8 me, Mr. Chairman, I'm going to go over a few of
9 those.

10 Mr. Jerry Harvell requested this allowable ex
11 parte communication pursuant to South Carolina Code
12 58-3-260(C). This presentation is limited solely
13 to the information that Mr. Harvell listed as a
14 subject matter to be discussed, which as you, a
15 second ago, mentioned, was the merger. I,
16 therefore, ask that everyone here please refrain
17 from discussing any matters not related to the
18 merger.

19 Secondly, the statute prohibits any
20 participants, Commissioners, or Commission Staff
21 from requesting or giving any commitment,
22 predetermination, or prediction regarding any
23 action by any Commissioner as to any ultimate or
24 penultimate issue which either is or is likely to
25 come before the Commission.

1 Next, in order to certify this allowable ex
2 parte – and, if I’ve counted my days correctly –
3 material corresponding to today’s proceeding will
4 be posted on the Commission’s website by the end of
5 the day next Monday. Any document referenced or
6 utilized today should be included with that
7 posting.

8 Fourth, I’d like to ask the participants,
9 Commissioners, and Staff from refraining – Staff to
10 refrain from referencing any reports, articles,
11 statutes, or documents of any kind that are not
12 included in the allowable ex parte, to prevent the
13 need of having to try to track down copies or links
14 to these documents to include in the record.

15 And as a final note, please make sure to read,
16 sign, and return the form at the door back there
17 which you were given when you came in today. This
18 form needs to be signed by each attendee to certify
19 the requirements contained in the statute have been
20 complied with at the presentation today.

21 Thank you for your time, Mr. Chairman,
22 Commissioners. This concludes my opening remarks.

23 **CHAIRMAN RANDALL:** Thank you, Mr. Bateman.

24 Okay, Mr. Harvell, the floor is yours.

25 **MR. JERRY HARVELL:** All right, sir.

1 **CHAIRMAN RANDALL:** And move that mic close to
2 you so we can make sure you're picked up by the –

3 **MR. JERRY HARVELL:** All right [indicating].

4 **CHAIRMAN RANDALL:** – whole system. Thank you.

5 **MR. JERRY HARVELL:** I'm here today because of
6 what's happened since last year. SCE&G has robbed
7 us for years, and we've never had a word to say,
8 sir, anywhere. Our Legislature, they're a joke.
9 We don't exist as far as they're concerned. We're
10 good for a vote or giving them money to get there,
11 and they don't ever want to talk to us again after
12 that. And I've put up with this manure for years.

13 And, I'm sorry, sir, but when Dominion came in
14 here, I don't know that y'all ever even asked
15 anybody from Virginia what they thought about
16 Dominion, because it's not a real good attitude,
17 because Dominion went in there and decided to run
18 their pipeline, and if you didn't want to sell your
19 property, they took it, and they didn't care,
20 because they just laid her there, did the same
21 thing. And they're going to do the same thing
22 here, sir, because the money's in the gas. And
23 there's just no end to it. We have no say.

24 I was here when SCE&G asked for the second
25 phase of the nuke plant, and they were told then,

1 "This is not gonna work." They didn't care. And
2 y'all have given them, nine, ten, eight rate
3 increases since, sir. And I didn't get off – I
4 spoke to y'all in September, and I didn't get off
5 on a good foot with you because I asked you if
6 you'd ever met a rate increase you didn't like.
7 And you haven't, sir.

8 My light bill – I've got friends – I have a
9 friend that had a bar. He had two four-foot pool
10 tables with four-foot fluorescent lights above
11 them, and Christmas lights, and his light bill was
12 \$2000, sir. I've got friends that they turn their
13 thermostats down as much as they – them and their
14 kids can stand, and their light bills are still
15 \$400-\$500. There's no end to it.

16 And then you pick up the newspaper: Santee
17 Cooper – which is owned by the State – is now going
18 to be able to sell everything in Jenkinsville.
19 Where's that money going, sir? And at all your
20 all's meetings – I was here for every one of your
21 meetings here, and all I saw was lawyers. And
22 that's all that was here. And they sat there and
23 they sat there, and it just – it amazes me, sir.
24 If you come to one of these things, the rules are
25 set up ahead of time, because for the last 150

1 years, the lawyers have been setting it up. And if
2 the lawyers don't want it, it ain't happening. I'm
3 sorry, but they're – we got \$22 out of that thing,
4 and that was it. The lawyers got all the money,
5 and my so-called Senator, Nikki Setzler, I ain't
6 never seen him at one of these. In all the years
7 I've been coming to these things, I've never seen
8 him. But just as soon as *The State* Newspaper said
9 the property on Twelfth Street was being sold,
10 boom, there's Nikki Setzler and Pete Strom – both
11 bigtime lawyers – and they're in to get the money,
12 and they're going to get it.

13 But people such as myself and all the working
14 people in this State, we're not getting anything
15 out of this, except for ignored. And that horse
16 manure they spout all the time on their TV ads
17 about, "Yeah, I like talking to my constituents.
18 Call me." Yeah. I tried for a year and a half to
19 get an appointment with Nikki Haley. I never got
20 it. I went to the Governor's office here, at the
21 first of this year, and the lady in the Ombudsman's
22 office told me, "In order to get an appointment,
23 you've got to write him a letter." Okay. I took
24 the letter back to her that day, and I've taken
25 another one up there since then. I ain't no closer

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1 to speaking to him – I ain't going to speak to him,
2 because he done sold out already. He got his
3 black-tie event that was paid for by them people.
4 And, sir, there's no end to it.

5 I sat here today and y'all talked all this
6 stuff, and I ain't got a clue as to what it is.
7 I'm not going to act like I do. But y'all okay
8 everything. You never turn down anything. And I
9 don't think you ever have, sir.

10 And it just – it's a never-ending thing. You
11 can't go to the news people and speak with anybody
12 with them. They don't let – they don't want to
13 talk to me. I'm just a stupid-ass biker, and I
14 guarantee you I went for two years at that WLTX,
15 and tried to speak to them about another problem
16 I've been fighting for 15 years. And I spoke with
17 the lady that was in charge of the newsroom, one
18 time. Never spoke to her again, so I finally got
19 tired of that and went over her head and spoke to
20 that gentleman, and never heard anything back from
21 him. And I called him back and he says, "Well, you
22 need to write a letter to *60 Minutes*." Well, guess
23 what, I wrote a letter to *60 Minutes*. I ain't
24 never nothing from them.

25 Sir, I've been trying for seven years to speak

1 to Lindsey Graham or Joe Wilson, and it's done me
2 absolutely no good. So I said, "Well, what the
3 hell. I'll try Tim Scott." That ain't no good.
4 He ain't going to speak to me. You cannot speak to
5 anybody, sir, if you're a common citizen. Now,
6 they'll send you the stuff in the mail about "Give
7 me money, give me money, give me money." Try
8 giving them no money, sir; you won't ever hear from
9 them again. I know. I've been there. I've done
10 that. And it does no good. The Republican Party
11 is no better than the Democratic Party: They both
12 scum, and they always will be, sir, because 90
13 percent of them are lawyers. And excuse my French,
14 but God never made an honest lawyer. And that's my
15 opinion. But my wife was a paralegal for 35 years,
16 and I saw a whole bunch of them. And she was had,
17 more than one time. And when we bought our house,
18 we got had. And we went to the Attorney General
19 before we ever made – three months before we ever
20 made the first house payment, and asked for help.
21 And guess what, he said, "Well, we wrote a letter
22 to the bank. The bank said they didn't do nothing
23 wrong." Well, how did Bank of America get charged
24 with credit card fraud and mortgage fraud? And Mr.
25 Obama found out they had made \$796 billion worth of

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1 bad mortgages, and another agency of his was going
2 to give back \$36.6 billion to people who were
3 robbed, but there ain't nobody out here ever seen a
4 penny of that, sir. I surely as hell haven't. I
5 got a thing back saying, "Call this telephone
6 number," and I got it four days after the damn
7 number ran out.

8 But there's nobody – I can show you hundreds
9 and hundreds of letters that I've written to so-
10 called federal agencies, newspapers, *The State*
11 newspaper – that's the biggest joke they ever made.
12 That's the reason nobody buys it anymore – that,
13 and I won't pay a dollar and a half for the damn
14 thing, because it ain't worth 35 cents, because
15 there's never anything in it, sir, unless it's
16 left-handed. And they wouldn't stand – I wrote a
17 letter to the editor one day – I picked up on the
18 fact that Columbia Northeast was going to go into
19 the – was considering going into the City of
20 Columbia, and I wrote them a letter and advised the
21 people in Columbia Northeast, "Don't do it. They
22 don't want you; they just want your money."

23 That's the onliest letter I've ever gotten in
24 there. I've written Avery Wilks a letter, I wrote
25 another letter to the editor. And I'll never get

1 it in there because of things like I'm saying right
2 now. Y'all don't want to hear the truth, and
3 people such as myself – I'm retired now, and I
4 didn't have any choice in that. And I'm living off
5 my bootstraps, and I'm barely making that, and I'm
6 still paying through the nose for my house, and I'm
7 going to be paying at least triple what I paid for
8 it. And I ain't getting no help from anybody. I
9 never will –

10 **MR. BATEMAN:** Mr. –

11 **MR. JERRY HARVELL:** – get any help from
12 anybody.

13 **MR. BATEMAN:** Mr. Harvell?

14 **MR. JERRY HARVELL:** Yes, sir.

15 **MR. BATEMAN:** I'm sorry. I hate to interrupt.
16 I just wanted to remind that, if I'm to certify, it
17 needs to sort of tie back to the merger.

18 **MR. JERRY HARVELL:** Yes, sir. Yes. But –

19 **MR. BATEMAN:** Thank you.

20 **MR. JERRY HARVELL:** – sir, nobody in the
21 public in this State got anything out of that.
22 They walked away – they're still going to be paying
23 through the nose. And it's – there's no help, sir.
24 You need to take the word "Public" off the front of
25 your label because, sorry, but I've never seen

1 where anything has been done publicly for us,
2 because it never has, sir. It never has.

3 SCE&G has been robbing us for years. And
4 what'd they do? They go out of business and sell
5 the place, and all the headmen walk off with all
6 kind of money. And they will continue to walk with
7 money. And Dominion is not going to do anything
8 for us. That's the reason the electric place out
9 of Florida is wanting to get in here, because they
10 know how this State is. The Legislature doesn't
11 care about the people; they care about the
12 Legislature.

13 And, you know, I know there's nothing you can
14 do about that. But, sir, somebody has got to pay
15 us attention sometime. It just – I don't care who
16 you go to, you're not going to get – you're not
17 going to speak to anybody; "Well, I'll call you
18 back." And guess what, it never happens, sir. And
19 the young lady here [indicating], the people in the
20 office in there [indicating], as nice as they can
21 be. And I've told them I don't mean to be rude to
22 them, but, sir, I've been doing this for almost 15
23 years and I've never gotten any closer than I was
24 15 years ago. It never ends. There's nobody
25 listening. Absolutely nobody.

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1 Now, what's going to happen when Dominion
2 comes in and decides they want to continue their
3 gas line from Virginia across South Carolina?
4 Y'all gonna tell them no? Not likely. Not likely
5 at all, sir. And guess what, if they decide to run
6 their gas line across your property and you don't
7 want to sell it, guess what, they're going to do an
8 eminent domain on you and they're going to take it.
9 Ain't gonna be a damn thing you can do about it,
10 because you ain't got the money for some high-class
11 lawyer. And I'm sorry, but when you go to the
12 polls in South Carolina, you got two choices – a
13 Republican and a Democrat – and that's it. And
14 they're always the same Republican and always the
15 same Democrat. It never changes. And if the
16 people of this State don't get off their duffs and
17 get rid of the whole damn bunch of them, it ain't
18 never gonna change.

19 **CHAIRMAN RANDALL:** We need to get back to the
20 merger, Mr. Harvell.

21 **MR. JERRY HARVELL:** Okay. But, sir, you just
22 need to do something about the merger. Nothing's –
23 nothing's – the only people making money out of
24 this are lawyers and the companies. The gentlemen
25 from SCE&G's walked off with tons. And there's

1 just nothing out there for us. We should get
2 something out of this. We've paid this \$2 billion.
3 And they said they were going to – Dominion said
4 they were going to give us \$1000 back. Well, they
5 backed out of that one. And then the gentlemen
6 from the Legislature that was gonna come up here –
7 I was here that day – and at the last minute, y'all
8 said canceled. Well, they figured out they
9 couldn't say anything because of their positions.
10 Well, sir, they had to know for months what their
11 positions were.

12 And it just – I just think something needs to
13 be done for the people of this State. We've been
14 kicked to the curb. There's a whole bunch of us –
15 especially older people – that are hanging on by a
16 thread. And we go from – I'll get paid on the
17 13th, and I'll be broke on the 14th, because I'll
18 pay my bills, and then I've got to last for another
19 month, because I have no other way of getting
20 anything. I went for three years and never got a
21 job interview from the Job Services, sir. And that
22 has nothing to do with this, either, I know, but –

23 **CHAIRMAN RANDALL:** Right.

24 **MR. JERRY HARVELL:** – I'm just –

25 **CHAIRMAN RANDALL:** You need to stay with that

1 merger.

2 MR. JERRY HARVELL: Yes, sir.

3 CHAIRMAN RANDALL: Sorry.

4 MR. JERRY HARVELL: But I have – I mean,
5 that's about it. It just – I don't know how else
6 to put it other than the people living in their big
7 houses need to think about the people that are
8 struggling to stay in their little houses, because
9 that's what we're doing, sir. With all the taxes
10 and the horse manure of them going down to Hilton
11 Head on the weekends and having meetings, and –
12 it's always somewhere else other than here. And
13 it –

14 CHAIRMAN RANDALL: Well, Mr. Harvell, we thank
15 you –

16 MR. JERRY HARVELL: Yes, sir.

17 CHAIRMAN RANDALL: – for being here today.

18 MR. JERRY HARVELL: Yes, sir.

19 CHAIRMAN RANDALL: Let me ask, do any
20 Commissioners have any questions of Mr. Harvell?
21 Commissioner Williams.

22 COMMISSIONER WILLIAMS: Thank you, Mr.
23 Chairman.

24 Mr. Harvell, I have watched you come to some
25 of our public hearings.

1 **MR. JERRY HARVELL:** Yes, sir.

2 **COMMISSIONER WILLIAMS:** And I watched you
3 attend the -370 docket in November. And I've seen
4 you come to some of our business meetings. And so
5 I want to thank you for that, because as a member
6 of the public – as you can see [indicating] – you
7 are one of the few who actually comes to get
8 educated.

9 **MR. JERRY HARVELL:** Yes, sir.

10 **COMMISSIONER WILLIAMS:** So I appreciate that.

11 **MR. JERRY HARVELL:** Yes, sir.

12 **COMMISSIONER WILLIAMS:** I also appreciate your
13 concern. Now, you spoke about a lot of issues that
14 I can't help you with –

15 **MR. JERRY HARVELL:** Yes, sir.

16 **COMMISSIONER WILLIAMS:** – and none of the men
17 to my left can help you with.

18 **MR. JERRY HARVELL:** Yes, sir.

19 **COMMISSIONER WILLIAMS:** A whole host of
20 issues. So I want to do what I can to address the
21 issues you raised where we have some influence.
22 And just for comedic relief, I want to tell you a
23 short story. When I came back from a short tour in
24 Korea, I went to go see one of my grandmother's –
25 or, my grandmother's last living first cousin, in

1 Florida. And my mother told my grandmother's
2 cousin's daughter that I was recently elected to
3 the Public Service Commission. They live in
4 Florida.

5 MR. JERRY HARVELL: Yes, sir.

6 COMMISSIONER WILLIAMS: All right. You know
7 what – you know the first thing she told me?

8 MR. JERRY HARVELL: I can't even guess.

9 COMMISSIONER WILLIAMS: She said, "Don't
10 become a crook."

11 MR. JERRY HARVELL: Yeah.

12 COMMISSIONER WILLIAMS: That's what she said.

13 MR. JERRY HARVELL: I'm sorry, but it goes
14 with the –

15 COMMISSIONER WILLIAMS: I come from a family
16 of common people, now.

17 MR. JERRY HARVELL: Yes, sir.

18 COMMISSIONER WILLIAMS: Farm people. Good
19 people, but common people.

20 MR. JERRY HARVELL: Yes, sir.

21 COMMISSIONER WILLIAMS: So the first thing –
22 she didn't say "Congratulations"; she said, "Don't
23 become a crook."

24 MR. JERRY HARVELL: Yep.

25 COMMISSIONER WILLIAMS: Because in Florida

1 they have their own issues with energy.

2 **MR. JERRY HARVELL:** Yes, sir.

3 **COMMISSIONER WILLIAMS:** And I didn't take
4 offense to what she said, because I understood,
5 from where she sat, it didn't seem as if she was
6 being heard, similar to what you're saying.

7 **MR. JERRY HARVELL:** Yes, sir.

8 **COMMISSIONER WILLIAMS:** And where you sit here
9 today, based on some of the comments you've made,
10 it comes across to me you feel as if you're not
11 being heard.

12 The only thing I can tell you is to continue
13 to be a part of the system.

14 **MR. JERRY HARVELL:** Yes, sir.

15 **COMMISSIONER WILLIAMS:** Today, this Commission
16 gave you the opportunity to speak on the merger.
17 As a member of the public, you have that right.
18 ORS is here. Other interested parties are here,
19 out in the audience. Obviously, we are here.

20 **MR. JERRY HARVELL:** Yes, sir.

21 **COMMISSIONER WILLIAMS:** And that's – when it
22 comes to hearing your position on the merger,
23 that's all we can do. Obviously, we've rendered a
24 decision already.

25 **MR. JERRY HARVELL:** May I interject this?

1 I've spoken to probably six people in the last two
2 or three days, and everybody I spoke to said, "What
3 the hell's the use of going?" There's no reason to
4 go to these things because there ain't nobody
5 listening. And that's a lot of people, sir. And a
6 lot of people don't vote anymore.

7 **COMMISSIONER WILLIAMS:** Well, again, I mean,
8 I'm well aware of public apathy. Again, coming
9 from where I come from –

10 **MR. JERRY HARVELL:** Yes, sir.

11 **COMMISSIONER WILLIAMS:** – look, I can relate
12 to you more than you probably can imagine.

13 **MR. JERRY HARVELL:** Yes, sir. Well, my father
14 worked in the cotton mill for 45 years.

15 **COMMISSIONER WILLIAMS:** And I appreciate that.
16 You sound like you come from a hard-working family.
17 But, again, when it comes to many of the issues
18 that you raised before us, we have no jurisdiction
19 over those issues. When it comes to Dominion, we
20 have jurisdiction over Dominion.

21 **MR. JERRY HARVELL:** Yes, sir.

22 **COMMISSIONER WILLIAMS:** And I believe that
23 this Commission is very interested in restoring
24 public trust. We can't do anything about the past.
25 But I believe that this Commission is very

1 interested in public trust. And even if the
2 Commission is not, I'm very interested in restoring
3 the public trust, and that's a commitment that I'm
4 willing to make to you. Can't do anything about
5 what happened in the past.

6 **MR. JERRY HARVELL:** Yes, sir.

7 **COMMISSIONER WILLIAMS:** But I just want you to
8 know, based on the fact that you're sitting here,
9 you have the floor, you're telling us how you feel
10 about the merger – and I think ORS is allowing you
11 a little bit of latitude to give us your opinion on
12 other things, but a lot of that, most of that, we
13 have no jurisdiction to address those issues.

14 **MR. JERRY HARVELL:** Yes, sir.

15 **COMMISSIONER WILLIAMS:** But when it comes to
16 Dominion and other entities that are under our
17 jurisdiction, I fully believe this Commission is
18 willing to restore the public trust – and it's
19 going to be – it's not going to be easy. It's not
20 going to be easy for us to do that. But the only
21 way we can do it is work within the system that we
22 have. And this hearing, this allowable ex parte
23 hearing, is live-streamed. Right now you're being
24 viewed all across South Carolina, maybe other parts
25 of the country and maybe even the world. And maybe

1 the apathy that you address – maybe you may inspire
2 other people to get involved with the political
3 process at every level: local, statewide, national.
4 But it takes people like you to be involved.

5 **MR. JERRY HARVELL:** Yes, sir.

6 **COMMISSIONER WILLIAMS:** And I know those words
7 may not mean much to you, because I don't have any
8 money to give you.

9 **MR. JERRY HARVELL:** I'm not asking for it.

10 **COMMISSIONER WILLIAMS:** I don't have any
11 authority to tell anyone to give you any money. I
12 mean –

13 **MR. JERRY HARVELL:** Yes, sir.

14 **COMMISSIONER WILLIAMS:** – it's – we're limited
15 in what we can do. But you – I would encourage you
16 to remain vigilant and to continue advocating for
17 yourself, and I appreciate you taking the time not
18 to just, you know, go to newspapers or go to other
19 media outlets, but to actually come in before the
20 Commission and voicing your concerns. I mean, that
21 took a certain level of commitment, and I don't
22 take that for granted.

23 **MR. JERRY HARVELL:** Yes, sir.

24 **COMMISSIONER WILLIAMS:** So thank you for your
25 appearance, sir.

1 **MR. JERRY HARVELL:** Well, thank you.

2 **CHAIRMAN RANDALL:** Thank you, Commissioner
3 Williams.

4 Commissioner Ervin.

5 **COMMISSIONER ERVIN:** Thank you, Mr. Chairman.
6 Mr. Harvell, good to have you with us today.

7 I take exception to the fact that you say
8 we're not listening, because we had a chance to
9 actually vote on whether or not you were going to
10 be allowed to be here today, and we all voted
11 unanimously –

12 **MR. JERRY HARVELL:** Yes, sir.

13 **COMMISSIONER ERVIN:** – to allow you to come
14 and tell us your concerns. And we also hear you at
15 the public hearing. And we know that people are
16 hurting. We do care. And we are listening.

17 And I want to point out a couple of things
18 that were done in the merger that will make a big
19 difference for the ratepayers. First of all, the
20 plan that we adopted is a design to hold down
21 rates. Hold them down. And there are a lot of
22 different ways that our Order does that. Had we
23 gone with the \$1000 refund that was originally
24 promised, as you say –

25 **MR. JERRY HARVELL:** Yes, sir.

1 **COMMISSIONER ERVIN:** – the rates would have
2 had to go up. So when we looked at the options
3 that we had before us, we chose to try to levelize
4 it. It's called a levelized plan, that holds them
5 down as low as we could go, without getting
6 overturned by the courts, probably – most likely.

7 And we also excluded from the ratepayers
8 having to pay for those golden parachutes. That's
9 on the company. You mentioned the SCE&G –

10 **MR. JERRY HARVELL:** Oh, yeah.

11 **COMMISSIONER ERVIN:** – executives, you know,
12 that got that severance package, whatever they call
13 it. That is being paid solely by the shareholders,
14 not by the ratepayers. And we saw to it, as a part
15 of the merger, that that was excluded.

16 And I could go on, but we did take steps to
17 ensure that the absolute lowest rates that could be
18 in place are in place. And it's not – there was no
19 perfect solution to it. It was a, really, nuclear
20 debacle in terms of the project. You know that.

21 **MR. JERRY HARVELL:** Yes, sir, they passed that
22 one a long time ago.

23 **COMMISSIONER ERVIN:** It happened a long time
24 ago. 2008 is when it started.

25 **MR. JERRY HARVELL:** Yes, sir.

1 **COMMISSIONER ERVIN:** And I wasn't on the
2 Commission then, and most of us weren't.
3 Commissioner Williams was not here then, and
4 several others. So it has a long history. But we
5 had to deal with a bad situation as best we could,
6 given the tools that we had. And I think I can say
7 that every Commissioner took their jobs very
8 seriously. We worked extremely hard to ensure that
9 people like you got the lowest possible rates that
10 we could order by applying the law. And I'm like
11 Commissioner Williams; I appreciate you being here.
12 I'm glad you're taking an active role. I hope
13 you're registered to vote.

14 **MR. JERRY HARVELL:** Oh, yeah.

15 **COMMISSIONER ERVIN:** And I hope you'll
16 exercise –

17 **MR. JERRY HARVELL:** Nobody I'd vote for, but –

18 **COMMISSIONER ERVIN:** Well, you know, there are
19 choices every time you go to the box, so every time
20 you go to the ballot box there's some choices, and
21 you can write in, if you don't –

22 **MR. JERRY HARVELL:** I do that.

23 **COMMISSIONER ERVIN:** – like the ones that are
24 on there.

25 **MR. JERRY HARVELL:** Yeah.

1 **COMMISSIONER ERVIN:** But the thing is, this is
2 a participatory democracy.

3 And the other thing I want to say, and then
4 I'll be done, you made some disparaging remarks
5 about Senator Nikki Setzler?

6 **MR. JERRY HARVELL:** Yes, sir.

7 **COMMISSIONER ERVIN:** I know him to be an
8 honorable man, and I think you have a
9 misconception, perhaps, of how that went, because
10 he served the State with distinction.

11 **MR. JERRY HARVELL:** All I had was newspapers,
12 sir.

13 **COMMISSIONER ERVIN:** Yes, sir. And so –

14 **MR. JERRY HARVELL:** And I –

15 **COMMISSIONER ERVIN:** – I want to say, just be
16 mindful that, you know, it's easy to get frustrated
17 and it's easy to cast stones. But we have a system
18 that's – yes, it's imperfect, but it's the best in
19 the world. It's a participatory democracy, as I
20 said. If we participate, it works. And you're
21 trying, and I commend you, and I appreciate you
22 being here today. But before you disparage
23 someone's character, let's give him a chance to
24 talk with you.

25 **MR. JERRY HARVELL:** Sir, I've done that three

1 times –

2 COMMISSIONER ERVIN: Okay. Well, keep –

3 MR. JERRY HARVELL: – and I never –

4 COMMISSIONER ERVIN: – trying.

5 MR. JERRY HARVELL: I never –

6 COMMISSIONER ERVIN: Try.

7 MR. JERRY HARVELL: – got an answer.

8 COMMISSIONER ERVIN: Yeah. I bet you he will
9 talk with you.

10 MR. JERRY HARVELL: I feel he will now.

11 COMMISSIONER ERVIN: They get a lot of mail.
12 They get a lot of requests and under a lot of
13 pressure.

14 MR. JERRY HARVELL: Well, I went to his
15 office.

16 COMMISSIONER ERVIN: Well, make an
17 appointment. I've been to his office, too, but I
18 didn't find him there, because they're busy people.

19 MR. JERRY HARVELL: Yes, sir.

20 COMMISSIONER ERVIN: I never did talk with
21 him.

22 MR. JERRY HARVELL: I told the young lady that
23 works there she ought to be getting his pay.

24 COMMISSIONER ERVIN: But they are busy and
25 they have other commitments, and it's a part-time

1 job that they have.

2 MR. JERRY HARVELL: Yes, sir.

3 COMMISSIONER ERVIN: So, I want you to believe
4 in the system and give us a fair chance, is what
5 I'm saying, okay? Is that fair enough?

6 MR. JERRY HARVELL: Yes, sir.

7 COMMISSIONER ERVIN: Thank you.

8 CHAIRMAN RANDALL: Thank you, Commissioner
9 Ervin.

10 Commissioner Whitfield.

11 COMMISSIONER WHITFIELD: Thank you, Mr.
12 Chairman.

13 Mr. Harvell, good to have you with us. I,
14 too, would concur with Commissioner Williams. I've
15 noticed you out here at a lot of events, and you've
16 logged a lot of time over here.

17 And I want to kind of repeat what Mr. Bateman
18 said earlier. As Commissioners, we sit as a quasi-
19 judicial body and we can't answer questions. So
20 you've been given a gift by the colleague to my
21 right today –

22 MR. JERRY HARVELL: Yes, sir.

23 COMMISSIONER WHITFIELD: – Commissioner Ervin.
24 So, we're – we can't answer questions, but during
25 the allowable ex parte that you're here for today,

1 you can present, as you did, and you can present
2 and we can ask you questions. And I've just got
3 one or two for you, and I won't be long.

4 I don't recall you scheduling another
5 allowable ex parte – anything like this – before.
6 In fact, I'm not too sure we've done this very
7 often for individuals, since I've been here.
8 You've not ever requested one of these before.

9 **MR. JERRY HARVELL:** No, sir, this would be the
10 first one. I tried to speak when y'all were having
11 the things, and when one of the gentlemen speaking
12 for SCE&G got finished speaking, I came up and
13 asked, "What the hell was that?" And that's – but
14 I spoke with the young ladies in the office, and
15 that, and then set this up, because I wanted to get
16 my 2 cents' worth in.

17 **COMMISSIONER WHITFIELD:** And just for the
18 record, as Commissioner Ervin or maybe Commissioner
19 Williams, I think, asked – and I recall you spoke
20 your allotted time at one of our night hearings.
21 Is that –

22 **MR. JERRY HARVELL:** September, yes, sir.

23 **COMMISSIONER WHITFIELD:** Yes, sir, I remember.

24 And the other thing I would ask you, and since
25 we can't answer questions – I do, again, as

1 Commissioner Williams said, applaud your
2 involvement. And since we can't answer questions,
3 I want to try to point you in a direction where you
4 may are able to get some help. I can't – none of
5 us can help what anyone else may or may not have
6 done. As Commissioner Williams said –

7 MR. JERRY HARVELL: Yeah.

8 COMMISSIONER WHITFIELD: – it's out of our
9 jurisdiction. But I'd like to try to help you, at
10 least point you in a direction where you, as a
11 member of the public, can get help. And I couldn't
12 help but notice, before this proceeding started,
13 Mr. Bateman walked over and introduced himself to
14 you –

15 MR. JERRY HARVELL: Yes, sir.

16 COMMISSIONER WHITFIELD: – because he's here
17 monitoring this allowable ex parte for the Office
18 of Regulatory Staff. And what I would offer you,
19 sir, is the South Carolina – under our law, we – as
20 I said, we can't answer questions – but the South
21 Carolina Office of Regulatory Staff, starting with
22 Mr. Bateman, their attorney, but he also has a
23 Consumer Services Department over there at ORS, and
24 they can talk to you freely and openly at any time,
25 and they can – they are allowed to answer your

1 questions. And, Mr. Harvell, I would just
2 strongly, strongly encourage you to talk with them,
3 because they are knowledgeable in utility
4 regulatory matters, and they can answer your
5 questions, and it is their job to represent the
6 public interest: you, the citizen.

7 **MR. JERRY HARVELL:** Yes, sir.

8 **COMMISSIONER WHITFIELD:** And that's their job
9 under State law. So, Mr. Bateman was, I know, kind
10 enough to walk over and introduce himself, and I
11 would certainly refer you to him or to anybody on
12 his staff. And, again, thank you for being here.

13 **MR. JERRY HARVELL:** Yeah.

14 **COMMISSIONER WHITFIELD:** Thank you, Mr.
15 Chairman.

16 **CHAIRMAN RANDALL:** Thank you, Commissioner
17 Whitfield.

18 Any other questions or comments for Mr.
19 Harvell?

20 **COMMISSIONER WILLIAMS:** Mr. Chairman, one last
21 thing, if I may.

22 **CHAIRMAN RANDALL:** Yes, sir.

23 **COMMISSIONER WILLIAMS:** I forgot to
24 mention: That \$1000 rebate you brought up. Now,
25 during the hearing, Commissioner Whitfield and I,

1 during the -370 docket, asked the Dominion witness
2 about that \$1000 rebate. And I asked about it
3 because I knew that, once anyone starts advertising
4 on media in South Carolina – whether it's TV,
5 newspaper, or electronic – that they're going to
6 give away \$1000 dollars, that's gonna catch
7 people's attention. And once they hear "give away
8 \$1000," they stop listening. And even you here
9 today, after we've made our ruling, after the
10 merger has occurred, after whatever has been put
11 out in the media, you still bring that up, as many
12 people do.

13 **MR. JERRY HARVELL:** Yes, sir.

14 **COMMISSIONER WILLIAMS:** But we asked that
15 Dominion representative about that, and they
16 committed to us that they would have an educational
17 program to explain some of the same things that
18 Commissioner Ervin explained to you. And I wasn't
19 going to make that explanation because I believe
20 that Dominion should do it, because they said they
21 would do it. But there is – we did order an
22 allowable ex parte from the Office of Regulatory
23 Staff to give an update on that Customer Education
24 Plan.

25 So I would ask for you to stay involved and

1 stay engaged, because what I see here is a lack of
2 education about not only what happened during the
3 hearing, but just what's the nature of the Public
4 Service Commission's responsibility.

5 I'm going to ask you a question: Have you ever
6 heard of the Regulatory Compact?

7 **MR. JERRY HARVELL:** No, sir.

8 **COMMISSIONER WILLIAMS:** I would imagine that
9 most South Carolinians have not heard of the
10 Regulatory Compact, and so – so you're not alone.
11 In fact, before I came to the Public Service
12 Commission and before I started studying, I had not
13 heard of the Regulatory Compact.

14 So what I would offer to you is, there's a lot
15 of education that's necessary – and that's on the
16 public employees that are responsible for making
17 these decisions and regulating IOUs – and I think
18 there's some work for us to do there. There's some
19 work for us to do, when it comes to educating
20 ratepayers about what does the Public Service
21 Commission do? What does the Office of Regulatory
22 Staff do? What are their responsibilities?
23 Because, again, as Commissioner Whitfield
24 mentioned, I think this is the first time that
25 we've had an allowable ex parte briefing by a

1 member of the public, like you. Maybe it's not,
2 but we definitely deliberated for a long time
3 regarding your briefing here today.

4 And so I think that we're heading in the right
5 direction, again, in regards to restoring the
6 public trust and to operating with some
7 transparency, because you should know why we exist
8 and what we do, and you should know the options and
9 the services available to you from the Office of
10 Regulatory Staff.

11 **MR. JERRY HARVELL:** Yes, sir.

12 **COMMISSIONER WILLIAMS:** All right. Thank you
13 again for appearing.

14 **MR. JERRY HARVELL:** Yes, sir.

15 **CHAIRMAN RANDALL:** Thank you, Commissioner
16 Williams.

17 All right. If there are no other questions,
18 Mr. Harvell, we appreciate you being here today.
19 Thank you for coming and sharing your opinions.

20 **MR. JERRY HARVELL:** Yes, sir. Thank y'all for
21 listening.

22 **CHAIRMAN RANDALL:** Thank you, sir.

23 **COMMISSIONER WHITFIELD:** Thank you.

24 **CHAIRMAN RANDALL:** Mr. Bateman, anything else,
25 from ORS?

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MR. BATEMAN: Nothing else.

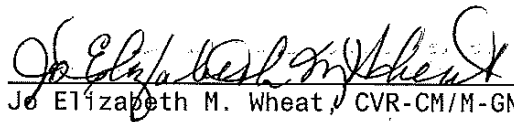
CHAIRMAN RANDALL: Okay. If not, then we are
adjourned. Thank you.

[WHEREUPON, at 3:10 p.m., the proceedings
in the above-entitled matter were
adjourned.]

C E R T I F I C A T E

I, Jo Elizabeth M. Wheat, CVR-CM-GNSC, Notary Public in and for the State of South Carolina, do hereby certify that the foregoing is, to the best of my skill and ability, a true and correct transcript of all the proceedings had regarding a requested allowable ex parte briefing in the above-captioned matter before the PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA;

IN WITNESS WHEREOF, I have hereunto set my hand and seal, on this the 7th day of February, 2019.


Jo Elizabeth M. Wheat, CVR-CM/M-GNSC
Hearings Reporter, PSC/SC
My Commission Expires: January 27, 2021.